

## **II. Remarks**

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

Claims 2 and 21 have been cancelled. Claims 1, 3-20, and 22-23 are pending. New claim 23 has been added.

### *Claim Rejections - 35 U.S.C. §103*

Claims 1, and 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart, et al. (Cathcart) in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler).

Claim 1 recites a plurality of loops fixed to the elongate control member and located proximal said distal tip section and that the outer sheath and the elongate control member being relatively moveable to urge said plurality of loops from a distal end of said outer sheath and retraction thereinto. None of the cited references teach a plurality of loops fixed to the elongate control member and located proximal said distal tip section, where the outer sheath and the elongate control member are relatively moveable to urge the plurality of loops from a distal end of said outer sheath and retraction thereinto. Accordingly, the cited references do not teach the present invention according to claim 1.

Claims 4-7 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Additionally with respect to claim 4, the examiner does not address that the outer sheath has lubricious outer and inner surfaces.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Cathcart, in view of Braunschweiler, in view of U.S. Patent No. 5,330,484 to Günther et al. (Günther).

Günther does not teach the elements noted above as missing from Boyle, Cathcart, and Braunschweiler. Further, claim 3 depends from claim 1 and is, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claims 8-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Cathcart, and in view of U.S. Patent No. 5,098,440 to Hillstead (Hillstead) in view of Braunschweiler.

Hillstead does not teach the elements noted above as missing from Boyle, Cathcart, and Braunschweiler. Similar to claim 1, claim 22 defines that the plurality of loops are fixed to the elongate control member and that the elongate control member is a cannula.

Additionally, with respect to claim 22, the examiner does not address that the outer sheath has lubricious outer and inner surfaces. Further, the references do not disclose the wire loops having proximal end portions that are joined to an elongate control member (cannula) at affixation joints or that the wire loops are made of a nitinol.

Claims 8-20 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

In addition, there are elements of some dependent claims that the examiner summarily dismisses. Some of these additional elements are provided below.

With respect to claim 12, the examiner does not address that the arcuate outer section of the loops have a radius about equal to a radius of the deployment

site. Clearly as shown in Figure 12 of Hillstead the arcuate outer sections of the loops have a radius that is significantly smaller than the vessel.

With respect to claim 13, the examiner does not address that four preformed wire loops are used and that the wire loops expand to occupy the full cross-section of the vessel. Clearly as shown in Figure 12 when the loops of Hillstead are deployed they are very oblong and the areas to the side of the loops 126 and 128 are open and therefore items adjacent to the loops can not be grasped. This problem is not contemplated in Hillstead because the device was designed to retrieve stents which generally occupy the full cross section of the vessel.

With respect to claim 14, Hillstead does not mention that the wire loops are made of a super elastic alloy.

With respect to claim 15, the examiner does not address the wire loops having proximal end portions that are joined to an elongate control member at affixation joints. As discussed earlier Boyle does not teach an elongate control member and further, Hillstead does not teach an elongate control member. Much less the proximal ends of the loops being attached by affixation joints.

With respect to claim 17, as discussed above with respect to claim 15, the references do not disclose the wire loops having proximal end portions that are joined to an elongate control member at affixation joints.

With respect to claims 18 and 19, Hillstead does not mention that the wire loops are made of a nitinol.

With respect to claim 20, as discussed above with respect to claim 4, the examiner does not address that the outer sheath has lubricious outer and inner surfaces. Further, as discussed above with respect to claim 15, the references do

not disclose the wire loops having proximal end portions that are joined to an elongate control member at affixation joints.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: October 26, 2007

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